SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Dana Terhune.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Dana Terhune*, Case No. 15-012;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on July 24, 2015, the Commission alleged facts in an Initiating Order that Dana Terhune violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a) and (d);

WHEREAS, Dana Terhune was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Dana Terhune has been criminally charged in Oldham Circuit Court for two (2) counts of Complicity to Promoting Contraband in the First Degree, pursuant to KRS 520.050 and 502.020, stemming from the conduct that is the subject-matter of the above-referenced administrative proceeding. Terhune has entered a Plea of Guilty for this offense in Oldham Circuit Court, which includes agreeing to serve a sentence of one hundred twenty (120) days and a period of five (5) years' probation, and will pay fines of $1250.

WHEREAS, Dana Terhune has been criminally charged in Oldham Circuit Court for one (1) count of Official Misconduct in the First Degree, pursuant to KRS 522.020, and one (1) count of Unlawful Access to Computer in the Fourth Degree, pursuant to KRS 434.853, stemming from the conduct that is the subject-matter of the above-referenced administrative proceeding. Terhune has entered a Plea of Guilty for this offense in Oldham Circuit Court, which includes agreeing to serve a sentence of five (years) probated and pay fines of $1250.

WHEREAS, Dana Terhune indicates her desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Dana Terhune agree, pursuant to KRS 11A.100, as follows:

1. Dana Terhune admits that she committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a) and (d), as stated in the Appendix A to the Commission's Initiating Order of July 24, 2015, attached hereto and incorporated by reference herein.

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2. Dana Terhune agrees to pay the Commission a civil penalty of four thousand dollars ($4,000.00) which will be offset on a dollar-for-dollar basis by the restitution of two thousand five hundred ($2500) that Terhune has agreed to pay the Commonwealth of Kentucky through the Oldham Circuit Court. The remainder of one thousand five hundred dollars ($1500) shall be paid by Terhune to the Commission on or before January 17, 2017, according to an Agreed Final Order.

3. Dana Terhune agrees that upon the Agreed Final Order being issued by the Commission that she waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. Dana Terhune agrees that upon the Agreed Final Order being issued by the Commission to abstain from seeking future employment with the executive branch of state government for a period of five (5) years.

5. The parties further agree that the acceptance of this Settlement Agreement and Agreed Final Order by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Dana Terhune*, Agency Case No. 15-012.

6. This Settlement Agreement constitutes a public reprimand to Dana Terhune, a copy of which will be provided to her former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

Dana Terhune — 9-15-16

Dana Terhune — Date

EXECUTIVE BRANCH ETHICS COMMISSION:

Chair, William David Denton — 9-19-16

Date

Vice Chair, William G. Francis — 9-19-16

Date

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Sheila R. Isaac, Member — Date 9/19/16

Christopher L. Thacker, Member — Date 9/19/16

Theresa Fritz Camoriano, Member — Date 9/19/16

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APPENDIX A
CASE NO. 15-012
INITIATING ORDER

ALLEGATION OF VIOLATIONS

The Respondent, Dana Terhune, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Justice and Public Safety Cabinet (also referred to herein as "the Cabinet"). As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Dana Terhune committed the following violations:

COUNT I

That Dana Terhune, during her course of employment as a Correctional Officer, Department of Corrections ("Department"), Justice and Public Safety Cabinet, used or attempted to use her influence in any matter which involved a substantial conflict between her personal or private interest and her duties in the public interest and used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, on or about September 13, 2013, Terhune used her position as an employee of the Luther Luckett Correctional Complex to gain access to an inmate in order to engage in intimate, physical contact with that inmate. Terhune did so to fulfill her own prurient interest, which conflicted with her duties in the public interest. Terhune used her position and access to the inmate to violate the Department's policies.

These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d), provides as follows:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

***

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

That Dana Terhune, during her course of employment as a Correctional Officer, Department of Corrections ("Department"), Justice and Public Safety Cabinet, to use her influence in any matter which involved a substantial conflict between her personal or private interest and her duties in the public interest and used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, from approximately September 2013 through March 2014, Terhune used her position as an employee of the Department of Corrections to access the inmate information of a particular inmate in which she maintained a personal and prurient interest over nine hundred times. Terhune's personal interests conflicted with her duties in the public interest. Terhune used her position to access the inmate's information in violation of the Department's policies.

These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d), provides as follows:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

***

(d) Use or attempt to use his official position to secure or

create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

(End of document)